

HISTORICAL SYNOPSIS
REGULATED PRACTICE OF PHYSICAL THERAPY IN KENTUCKY
BOARD OF PHYSICAL THERAPY

- 1) The Physical Therapy Practice Act, KRS Chapter 327 was enacted/passed in the **1958** session of the Kentucky Legislature, & became effective 07/15/58.
 - a) Licensure applications accepted only from persons qualified by education.
 - b) 43 qualified physical therapists were licensed by the **grandfather clause**, meaning they were not required to sit for the PES examination. Probably all had previously passed the national 'Registry Exam'.
 - c) Was a title act vs. practice act? Only a person who was licensed by the board could call him/herself a physical therapist.
 - d) Created a new state agency, the Kentucky State Board of Physical Therapy. From the start, the agency was autonomous, meaning it was not "under" another board, and existed only from the funds it derived from its own fees. No operational money is received from the General Fund.
- 2) KRS 327 amended first in **1970**:
 - a) to permit the Board to regulate physical therapist's assistant. KRS 327.040(12). Two PTA's were certified under the grandfather clause in 1975; and
 - b) provided a less restrictive definition of prescription for treatment to include referral without actually using the word referral.
- 3) **In 1975**: the Board adopted by reference, verbatim, the Standards of Practice of the Kentucky Chapter, American Physical Therapy Association (APTA), which included the Code of Ethics and Standards of Practice of the APTA, plus KY Chapter, APTA guidelines. These were the 1st legally binding Standards adopted by the Board. Since 1975, practice standards were amended by the Board in 1981, 1984, 1985, and 1986. Document, beginning in 1981 was no longer a verbatim APTA document. Over a 3-yr. period, the Standards of Practice were totally rewritten in regulation form, 201 KAR 22:053, effective 08/90.
- 4) **In 1978**:
 - a) 1st investigation of a complaint, & resultant disciplinary action by the Board, which currently receives between 15-20 complaints/year. Now, about 3/4 concern licensees & 1/4 concern other persons who have advertised PT but are not licensed. Supervision is often a PT issue. Beginning in 1990, more *consumers* of PT Services have filed complaints with the Board which concern PT services received; and
 - b) Legislature added a public/consumer member to each licensure board; & expanded the Board of Physical Therapy to five persons.
- 5) KRS 327 revised further by Legislature in **1980, 82, 84, & 94** sessions.
 - a) Provided a new definition for physical therapy, which included the right to evaluate a patient without a physician referral. **(1982)**
 - b) Granted the board the power to issue a subpoena during an investigation of a complaint of violations of the Practice Act or Standards. **(1984)**
 - c) Made KRS 327 a PRACTICE ACT. No one may practice or hold himself out being able to practice physical therapy unless... **(1984)** this has been rendered less effective with the universal adoption of CPT codes which are generic relative to who may use them.

- 6) **12/07/86** Achieved **DIRECT ACCESS** following a legal interpretation of the definition of physical therapy, KRS 327.010. Interpretation: Physical therapy **also includes** physical therapy treatment upon referral... legally means, **includes, but is not limited to...** Board deleted any reference for a mandatory referral from board administrative regulations & standards of practice document; adding responsibility to **refer to a licensed physician or dentist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist** 201 KAR 22:010 Section 2.
- 7) Board operations were handled completely by the 3 physical therapist board members themselves from 1958 until sometime in the early '70's when they hired board member Lawrence Wheeler, PT of Lexington as a part time Executive Secretary; providing stability to board operations. 10/78, Board members employed Nancy Brinly, PT as (part time) Executive Secretary and moved the Board office to her home in Louisville. At that time the board was regulating approximately 500 PT's and 50 PTAs. 11/99 totals = 1,920 PT's and 1,020 PTAs. Position of Executive Secretary was reclassified to Full Time 07/87. Board leased its own office 06/89 in Louisville & second staff person added. Third individual joined Board Staff in 09/97. Title of administrator changed to Executive Director in 1999.
- 8) Successful completion of PES (Professional Examination Service) examination required of all KY applicants from 1954 – 1989. ASI (Assessment Systems Inc) awarded exam contract by the APTA in 11/89. The Federation of State Boards of Physical Therapy (FSBPT) purchased the examination rights from the APTA, and awarded the contract back to PES beginning in 1992.
- 9) **4/90**, Board amended regulations which previously permitted persons failing the licensure exam to be reissued a temporary permit to work. Presently, a person who has failed the examination in this or another state may not work in physical therapy in Kentucky, except as an aide/support personnel until the licensure exam has been passed, and a license issued.
- 10) **8/90**. Standards permit a physical therapist to supervise no more than the equivalent of four full time physical therapists assistants and supportive personnel.
- 11) **8/90**. Standards require written disclosure to each patient of profit to be received by the referral source.
- 12) Practice standards revised in late 91 to insure that PT &/or PTA students have on-site supervision by a PT during clinical training.
- 13) **1990** session of the legislature: KRS 327 and 10 other health profession's laws were amended to require successful completion of courses on the transmission, control, treatment and prevention of the human immunodeficiency virus and acquired immunodeficiency syndrome with an emphasis on appropriate behavior and attitude change.... as a requirement of both initial licensure and ongoing for license renewal.
- 14) Beginning with **07/93** examination, statistical method (-1.5 SD) to determine whom passes/fails the exam no longer utilized in Kentucky. Board adopted

instead, criterion referenced scoring method recommended by the FSBPT. Scoring scale is 200-800; passing = 600. By 7/96, all states had adopted criterion referenced scoring with 600 passing.

- 15) **1994** Legislative Session: KRS 327.050 was amended to permit the board to charge examination applicants a fee equal to the cost of the examination as well as an application fee. Cost of the exam to the board increased from \$100/exam to \$185/exam. Additional revenues generated paid for a new Analysis of PT & PTA Practice, the basis for licensure examinations beginning in 07/97. A new analysis has been initiated for 2000.
- 16) **1996** Legislative Session: Kentucky became the last state to adopt a Uniform Procedures Act for disciplinary hearings. That legislation amended all affected statutes, including KRS 327.
- 17) **July 1997**, Kentucky and 32 other jurisdictions began participation in Computer Based Testing (CBT) vs. the paper and pencil examination for PT's and PTAs administered only 3x/yr on fixed dates in March, July, & November. With CBT, candidates may sit for the NPTE 6 days/wk at any of 220 participating Sylvan Technology Centers in the US & Canada. A candidate may sit for the CBT NPTE up to 4 times in a 12 month period.